IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 2069 of 2005

Between:

Madanu Joseph Peter Paul S/o Madanu Lurdh Showreelu (Mother), Unemployee, R/o 12-439/A, Modi Complex, Mettuguda, Secunderabad, Hyderabad.

..... PETITIONER

AND

1 The Director, Public Grievances & Welfare, Ministry of Railways, Rail Nilayam, Railway Board, New Delhi.
2 The Chief Medical Director, South Central Railway, Rail Nilayam, Secunderabad-500371.
3 The General Manager, South Central Railway, Secunderabad.
4 The Divisional Railway Manager, South Central Railway, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order direction, more particularly one in the nature of Writ of Certiorari calling for the records pertaining to OA 932/2004 dated 30-12-2004 on the file of the Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad and quash the same consequentially declaring the proceedings NO. P. 500/Settl./HQ/XII/12/MLS/2003 dated 16-07-2004 of the Respondents in refusing to provide compassionate appointment and all the death benefits after the death of the petitioner's adoptive mother Madanu Lurdh Showreelu, Matron in Railway Hospital,

South Central Railway while in service as illegal, arbitrary, unconstitutional and against the principles of natural justice and to pass such other and further orders as this Hon'ble Court may deem fit and proper in he circumstances of the case.

Counsel for the Petitioner: MR.B.CHINNAPA REDDY

Counsel for the Respondents: MR.G.S.SANGHI

The Court at the admission stage made the following:

ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by the Central Administrative Tribunal (for short Tribunal) in O.A.No.932 of 2004, dated 30.12.2004.

2. The matter relates to compassionate appointment and also payment of terminal benefits in respect of Madanu Lurdh Showreelu, who worked in the Railways and died while in service. The Tribunal rejected the case of the petitioner on the ground that he failed to produce the Succession Certificate.

3. The learned counsel for the petitioner now submits that the Succession Certificate is not necessary for payment of terminal benefits and only the Legal Heir Certificate issued by the competent authority is the requirement and therefore the order of the Tribunal is liable to be set aside.

4. We are unable to accept the contention of the learned counsel for the petitioner. In view of the peculiar nature of the features of this case, the authorities insisted for production of Succession Certificate. Until Succession Certificate is produced, it will not be appropriate for the authorities to consider the case of the petitioner. However, since the grant of compassionate appointment depends on the Succession Certificate, we leave it open to the petitioner to agitate the matter relating to compassionate appointment after obtaining the Succession Certificate as directed by the authorities.

5. The Writ Petition is accordingly dismissed with the above observation. No costs.

(G.BIKSHAPATHY, J.)

18th February, 2005.

(P.S.NARAYANA, J.)

SSR

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Director, Public Grievances & Welfare, Ministry of Railways, Rail Nilayam, Railway Board, New Delhi.
2 The Chief Medical Director, South Central Railway, Rail Nilayam, Secunderabad-500371.
3 The General Manager, South Central Railway, Secunderabad.
4 The Divisional Railway Manager, South Central Railway, Secunderabad.

5 The Registrar, Central Administrative Tribunal, Hyderabad.

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